

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MCS INDUSTRIES, INC.,

Plaintiff,

v.,

MICHAELS STORES, INC., THE
MICHAELS COMPANIES INC., MICHAELS
STORES PROCUREMENT COMPANY,
INC., and HARBORTOWN INDUSTRIES,
INC.,

Defendants.

No. 5:21-cv-02563-JLS

**DECLARATION OF KEITH YANKO IN SUPPORT OF
HARBORTOWN INDUSTRIES, INC.'S MOTION TO DISMISS**

My name is Keith Yanko. I am Senior Vice President of Sales at Harbortown Industries, Inc. ("Harbortown"). I am submitting this declaration in support of Harbortown's Motion to Dismiss in the above-captioned case.


1. Harbortown is not registered to do business in Pennsylvania.
2. Harbortown has no corporate parents, subsidiaries, or affiliates in Pennsylvania.
3. Harbortown does not own any property or maintain an office in Pennsylvania.
4. Harbortown has no employees in Pennsylvania. Jack Smith works as an independent contractor in Holland, Pennsylvania for Harbortown. He works out of his own home. His responsibilities involve outside sales to the pharmacy chain, CVS. He has never been involved in any activities relating to any Michaels' account.

5. I understand that this litigation concerns certain picture frames sold in Michaels stores. As Michaels's current vendor for picture frames, Harbortown's role is to coordinate the availability of the frames to Michaels in China. Upon receiving a purchase order from Michaels,

Harbortown communicates with a vendor in China to facilitate the manufacture of the frames, which are then delivered to Michaels in China, where Michaels took possession of the frames.

6. Harbortown has never imported any picture frames for Michaels into Pennsylvania. Harbortown also does not offer, promote, market, sell, or distribute any picture frames for Michaels in Pennsylvania. Nor does Harbortown direct anyone to do so.

I declare under penalty of perjury that the foregoing is true and correct.



Keith Yanko, SVP Sales
Harbortown Industries, Inc.
January 5, 2022